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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,533	08/31/2001	Howard M. Marks	KONAMI01-07	8528

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Anderson & Morishita, L.L.C.
2725 S Jones Blvd
Suite 102
Las Vegas, NV 89146

EXAMINER

WHITE, CARMEN D

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 12/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,533

Applicant(s)

MARKS ET AL.

Examiner

Carmen D. White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 (after renumbering) is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Objections

Claims 6-22 are objected to because they are misnumbered. Applicant skipped claim #5. ***For examination purposes only, claims 6-22 have been renumbered 5-21, respectively. The action below is based on the examiner's renumbering of the claims.*** Correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13 and 19-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1-13, the claims recite "the activation of any coordinate ignored for the purposes of determining winning or losing game symbol combinations". This claim language is not clear enough for the examiner to ascertain the scope of the claim. The examiner is interpreting this feature, below, as ignoring the gaming symbols that are not a part of a symbol combination for a winning hand. Further in the comparing step, see lines 10-11 of claim 1- what are the symbols compared to? Also, the last

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limitation "said processor configured to maintain any activated coordinates active through said successive hands until said activated coordinates are triggered" is not clear. Should this be until the bonus symbols are triggered?

Claims 19-21 contain similar language in lines 15-17 of claim 19, regarding the comparing feature. This language is not clear as explained above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7, 10-11, 14-15, 18 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by **Mattice** et al (6,454,649).

Regarding claims 1-5, 7, 10-11, 14-15, 18 and 21, Mattice teaches an electronic apparatus for playing a casino game that comprises a display; a data structure storing data corresponding to the display of the game symbols; a processor to control the display and an input device to prompt the processor for each play of successive hands, when prompted said process configured to randomly select and assign game symbol data from the data structure to each coordinate in a displayed x by y game matrix to display said corresponding symbol; said processor configured to randomly select 0-N coordinates for activation; a processor configured to compare the selected game

symbols to winning combination to determine a winner or loser combination; a processor to issue an award; a bonus game with an award is played when there is a triggering symbol; and processor to maintain any active coordinates for the hands, until the bonus symbols are triggered (this is how the examiner is interpreting this last feature of claim 1)- See Fig. 3; Fig. 8; Fig. 9 and col. 4, lines 35-67 through col. 5, lines 1-13).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 8-9, 12-13, 16-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattice et al.

Regarding claims 6, 8-9, 16, 19, Mattice teaches all the limitations of the claims as discussed above. Mattice is silent on the feature of having different award values for different trigger symbols. However, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include this feature in Mattice to provide added incentive for the player to continue play of the game in order to obtain higher bonus amounts.

Regarding claims 12-13, 17, 20, Mattice teaches all the limitations of the claims as discussed above. Mattice is silent regarding the feature of a multiplier. However the examiner takes official notice that the use of multipliers are well known in slot gaming. It would have been obvious to a person of ordinary skill in the art at the time of the

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invention to include multipliers in Mattice to increase the incentive to play due to higher payouts.

Pertinent Prior Art

The following references are pertinent to applicant's disclosure: Wood et al, Holmes Jr. et al and Yoseloff.

USPTO Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-5275. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7768 for regular communications and 703-305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.



C. White
Patent Examiner